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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,370	12/28/2000	Jun Hirai	SONYJP 3.0-136	7312
530	7590	03/09/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			DUGGINS, ALICIA M	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,370

Applicant(s)

HIRAI, JUN

Examiner

Alicia M Duggins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryan et al. (US6374036).

Regarding claims 1,10,19 and 28, Ryan shows:

A processor to process data and produced processed data is shown as a frame selector (12 in fig.1 where frames of incoming signals are selected for encoding (col.5 ll.38-45)

An output unit (40) is shown in fig.1 as an output terminal (col.5 ll.58)

A measurement unit to measure and determine a processing record is shown as an attribute measurer (18) in fig.1 whereby the attribute or numeric expression of video material (col.4 ll.51-54) is calculated for incoming video (col.5 ll.48-62)

A controller to control the operation of the processor is shown as a control line (14 in fig.1 (col.5 ll.45-52)

A reader to read data from a medium is shown in fig.4 as a player (114) where the information is read from the medium (110) (col.10 ll.1-3)

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A recorder to record processed data is shown in fig.4 as a compliant recorder (106) where the processed data is recorded onto the medium (116) (col.9 ll.38-40)

Regarding claims 2,11,20 and 29, Ryan shows that a processing record includes a predetermined processing time that is discontinued after the predetermined time where it is discussed that a set time may be set for various processing to take place (col.5 ll. 6-20)

Regarding claims, 3, 12, 21 and 30 Ryan shows that a processing record includes a number of processing operations such as scaling and the addition of noise (col.5 l.10 and 18-19)

Regarding claims 4,13,22 and 31, Ryan shows that composite data is copyright information where it is discussed that the anti-copy process indicates a copy-once, copy-never and copy no more command which is a type of copyright process (col.4 ll.26-42)

Regarding claims 5,14,23 and 32, Ryan shows that composite data contains recording control information where it is discussed that recording takes place when measured attribute value with the decoded attribute value from the watermark match (col.6 ll.1-12)

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Regarding claims 6, 8, 15, 17, 24 and 26, Ryan shows that the data is image data in fig.1 as a video input (10) (col.5 ll.39-42) and the data is output onto a screen (col.9 l.37) where the screen is a T.V. screen

Regarding claims 7,9, 16, 18, 25 and 27, Ryan shows that the data is speech data since the input signals are television programs which include speech data (col.5 ll.39-41) and the data is output onto a screen (col.9 l.37) where the screen is a T.V. screen

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Cox et al. (US6208735)

Cooklev (US6359998)

Lucas et al. (US 6546113)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M Duggins whose telephone number is (703) 305-5621. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMD
2/17/05


ROBERT CHEVALIER
PRIMARY EXAMINER